

§ 1626.11

under section 1101(a)(20) of Title 8, these workers may be provided legal assistance. These workers are ineligible for legal assistance in order to obtain the adjustment of status of temporary resident under IRCA, but are eligible for legal assistance after the application for adjustment of status to that of temporary resident has been filed, and the application has not been rejected.

(e) A recipient may provide legal assistance to indigent foreign nationals who seek assistance pursuant to the Hague Convention on the Civil Aspects of International Child abduction and the Federal implementing statute, the International Child Abduction Remedies Act, 42 U.S.C. 11607(b), provided that they are otherwise financially eligible.

[62 FR 19414, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997]

§ 1626.11 H-2 agricultural workers.

(a) Nonimmigrant agricultural workers admitted under the provisions of 8 U.S.C. 1101(a)(15)(h)(ii), commonly

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called H-2 workers, may be provided legal assistance regarding the matters specified in paragraph (b) of this section.

(b) The following matters which arise under the provisions of the worker's specific employment contract may be the subject of legal assistance by an LSC-funded program:

- (1) Wages;
- (2) Housing;
- (3) Transportation; and

(4) Other employment rights as provided in the worker's specific contract under which the nonimmigrant worker was admitted.

§ 1626.12 Recipient policies, procedures and recordkeeping.

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part and shall maintain records sufficient to document the recipient's compliance with this part.

[62 FR 19414, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997]

APPENDIX TO PART 1626

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS

Alien category	Immigration Act (INA)	LSC Regs 45 CFR § 1626	Examples of acceptable documents
LAWFUL PERMANENT RESIDENT.	INA § 101(a)(20) 8 USC, § 1101(a)(20).	§ 1626.5(a)	I-551 or I-151 or I-181 (Memorandum of Creation of Record of Lawful Permanent Residence), with approval stamp; or passport bearing immigrant visa or stamp indicating admission for lawful permanent residence or order granting residency or suspension or adjustment of status or I-327 Reentry Permit or I-94, with stamp indicating admission for lawful permanent residence or any computerized verification from INS or other authoritative document.

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS—Continued

Alien category	Immigration Act (INA)	LSC Regs 45 CFR § 1626	Examples of acceptable documents
ALIEN WHO IS —married to U.S. citizen, —parent of U.S. citizen, or —unmarried child under 21 of U.S. citizen <i>and</i> —has filed an application for adjustment of status to permanent residency.	INA §§ 209, 210, 244, (replaced by INA § 240A(b) for aliens in proceedings initiated after 4/1/97), 245, 245A, 249 8 USC §§ 1159, 1160, 1259, 1254, 1255, 1255a, 1259.	§ 1626.5(b)	Proof of relationship to U.S. citizen* and I-485 (application for adjustment of status on the basis of a family-based visa, registry, Cuban Adjustment, Cuban-Haitian Adjustment, or spouses and children eligible for Violence Against Women Act relief) and proof of filing** or I-256A or EOIR-40 (application for suspension of deportation)*** and proof of filing** or EOIR-42 (application for cancellation of removal) and proof of filing** or OF-230 (application at consulate for visa) and proof of filing with consulate** or I-360 (application to qualify as abused spouse or child under the Violence Against Women Act) or I-688B or I-766 (employment authorization document) coded 8 CFR § 274a.12(c)(9) (applicant for adjustment) or (c)(16)(registry applicant) or (c)(10)(suspension applicant) or letter or Form I-797 from INS acknowledging receipt of I-485; or I-94, with stamp indicated entry pursuant to advance parole (INA§212(d)(5)) for pending §245; or I-512 (advance parole), indicating entry to pursue pending §245 application or passport, with stamp or writing by INS officer, indicating pending §245 application or I-130 (visa petition) and proof of filing** or any computerized verification from INS or other authoritative document *Proof of relationship may include a copy of the alien's marriage certificate accompanied by proof of the spouse's U.S. citizenship; a copy of the birth certificate, baptismal certificate, adoption decree or other documents demonstrating that the alien is the parent of a U.S. citizen under the age of 21; a copy of the alien's birth certificate, baptismal certificate, adoption decree, or other documents demonstrating that the alien is a child under the age of 21, accompanied by proof that the alien's parent is a U.S. citizen; or in lieu of the above, a copy of INS Form I-130 (visa petition) containing information that demonstrates that the alien is related to such a U.S. citizen, accompanied by proof of filing. **Proof of filing may include a fee receipt showing that the application was filed with the INS or the immigration court; a filing stamp showing that the application was filed; or a copy of the application accompanied by a notarized statement signed by the alien that such form was filed. ***Note: "cancellation of removal and adjustment of status" replaces "suspension of deportation" for aliens in proceedings initiated on or after April 1, 1997.
REFUGEE	INA § 207, 8 USC § 1157.	§ 1626.5(c)	I-94 or passport stamped "refugee" or "§207" or I-688B or I-766 coded 8 CFR § 274a.12(a)(3)(Refugee) or (a)(4)(paroled asylees) or I-571 refugee travel document, or any computerized verification from INS or other authoritative document.
ASYLEE	INA § 208 8 USC § 1158.	§ 1626.5 (c)	I-94 or passport stamped "asylee" on "§208" or order granting asylum from INS, immigration judge, BIA, or federal court or I-571 refugee travel document or I-688B or I-766 coded 8 CFR § 274a.12(a) (5)(asylee) or other computerized verification from INS or other authoritative document.

ALIEN ELIGIBILITY FOR REPRESENTATION BY LSC PROGRAMS—Continued

Alien category	Immigration Act (INA)	LSC Regs 45 CFR § 1626	Examples of acceptable documents
GRANTING WITH- HOLDING OF DEPORTATION.	INA § 243(h) 8 USC § 1253(h) (as of 4/1/97, re- pealed and re- designated INA § 241(b)(3), "Restriction on Removal").	§ 1626.5(e)	I-94 stamped "§ 243(h)" or order granting withholding of deportation from INS, immigration court, BIA, or federal court or I-688B or I-766 coded 8 CFR § 274a.12(a)(10)(withholding of deportation) or I-571 refugee travel document; or any computerized verification from INS or other authori- tative document.
CONDITIONAL EN- TRANT.	INA § 203(a)(7) (prior to 4/1/80), 8 USC § 1153(a)(7).	§ 1626.5(d)	I-94 or passport stamped "conditional entrant" or any computerized verification from INS or other authori- tative document.
AGRICULTURAL WORKER.	INA § 101(a)(15) (H)(II), 8 USC § 1101(a)(15) (H)(II).	§ 1626.11	I-94 or passport stamped "H-2A" or any computerized verification from INS or other authori- tative document.
SPECIAL AGRI- CULTURAL WORKER TEM- PORARY RESI- DENT.	INA § 210, 8 USC § 1160.	§ 1626.10(d)	I-688, 688A, 688 or 766 indicating issuance under § 210 (or under 8 CFR § 274a.12 (a)(2), with other evidence indicating eligibility under INA § 210). or any computerized verification from INS or other authori- tative document.

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**PART 1627—SUBGRANTS AND
MEMBERSHIP FEES OR DUES****Sec.**

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otherwise noted.

§ 1627.1 Purpose.

In order to promote accountability for Corporation funds and the observance of the provisions of the Legal Services Corporation Act and the Corporation's regulations adopted pursuant thereto, it is necessary to set out the rules under which Corporation funds may be transferred by recipients to other organizations (including other recipients).

§ 1627.2 Definitions.

(a) *Recipient* as used in this part means any recipient as defined in section 1002(6) of the Act and any grantee or contractor receiving funds from the Corporation under section 1006(a)(1)(B) or 1006(a)(3) of the Act.

(b)(1) *Subrecipient* shall mean any entity that accepts Corporation funds from a recipient under a grant contract, or agreement to conduct certain activities specified by or supported by the recipient related to the recipient's programmatic activities. Such activities would normally include those that might otherwise be expected to be conducted directly by the recipient itself, such as representation of eligible clients, or which provide direct support to a recipient's legal assistance activities or such activities as client involvement, training or state support activities. Such activities would not normally include those that are covered by a fee-for-service arrangement, such as those provided by a private law firm or attorney representing a recipient's clients on a contract or judicare basis, except that any such arrangement involving more than \$25,000 shall be included. Subrecipient activities would normally also not include the provision of goods or services by vendors or consultants in the normal course of business if such goods or services would not